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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARIA QUINTO-COLLINS, et al.,

Plaintiff,

v.

CITY OF ANTIOCH; et al.,

Defendants.

CASE NO.: CASE NO.: 3:21-cv-06094-AMO

**JOINT INITIAL CASE MANAGEMENT
CONFERENCE STATEMENT**

Conference Date: No Date Set

Trial Date: January 8, 2024

Hon. District Judge Araceli Martinez-Olguin

Pursuant to the Courts Status Order at Docket No. 51, the parties submit the following Joint
Status Report.

1 **1.** Jurisdiction and Service

2 Plaintiff filed this case in federal court and asserts federal question jurisdiction pursuant to 42
3 U.S.C. § 1983 and 28 U.S.C. §§1391(b).

4 Defendants do not contest federal jurisdiction, personal jurisdiction or venue.

5 **2.** Facts

6 **a.** Plaintiff's Contentions

7 The incident took place on December 23, 2020. The time was approximately 11:15 P.M. The
8 location was 1909 Crestwood Drive, Antioch, CA 94509. Antioch Police Department officers used
9 excessive force in the wrongful death of resident, Angelo Quinto. Maria Quinto-Collins was Quinto's
10 mother. Isabella Collins was his sister.

11 The night of December 23, 2020, Mr. Quinto exhibited signs of mental distress. Ms. Collins
12 called Antioch Police. Collins notified dispatch that Quinto attempted to grab a hammer. Officers
13 James Perkinson and Arturo Becerra arrived. Quinto-Collins embraced Mr. Quinto to comfort him.
14 She claimed that Quinto began to calm down. However, officers then cuffed and restrained Quinto.
15 Bacerra restrained Mr. Quinto by using his hands to push down on Mr. Quinto's back while Quinto
16 was in a prone position with his hands cuffed behind his back. Shipilov observed Becerra use his
17 hands to push down on Quinto's back for at least two minutes. However, this could have lasted
18 longer, as Bacerra was already pushing down on Quinto's back when Shipilov first saw Becerra.

19 Quinto expressed fear. He did not resist. However, officer Becarra put his leg on Mr. Quinto's
20 neck. Mr. Quinto did not move significantly, if at all during this time. However, the officers
21 continued to restrain Mr. Quinto in a prone position, with their body weight on Quinto's upper back
22 and neck for upwards of ten minutes. Mr. Quinto bled from his mouth. After five minutes, he was not
23 responsive. Nevertheless, defendants did not turn Mr. Quinto onto his side in a "recovery
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1 position" until moments before paramedics entered the room, at the conclusion of the 10 plus
2 minutes of prone restraint. Mr. Quinto was handcuffed during almost the entirety of the
3 incident. Paramedics later transported Mr. Quinto to Sutter Delta Medical Center.
4

5 As a result, Quinto died on December 26, 2020. Mr. Quinto's died with petechial hemorrhages
6 in his eyes, a product of asphyxiation caused by compressive prone restraint. Mr. Quinto's mother
7 and sister suffered emotional distress from the incident.

8 **b. Defendants' Contention**

9 Defendants vehemently deny the Plaintiffs' contentions in their Complaint and as listed above
10 in great detail. This civil lawsuit arises from the lawful contact and interaction between several
11 officers of the Antioch Police Department ("APD") and Decedent on December 23, 2020, after
12 officers were called to the house due to an ongoing domestic dispute. When officers entered the
13 involved house, they were able to quickly control Decedent and get him into handcuffs with limited
14 force being used. Officers did not have to use any weapons to get Decedent into handcuffs, nor did
15 this require any prolonged struggle.
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18 Even after being handcuffed and laying on his stomach, Decedent continued to be agitated,
19 was screaming and yelling and flailing his legs, and he was then put into a figure four leg lock
20 (trained technique) to prevent from injury to Decedent or officers while another officer held Decedent
21 under control via a knee to his shoulder area, with limited pressure. Decedent seemed to eventually
22 calm down. Forms for a psychiatric hold were started to be filled out by the lead officer and an
23 ambulance was called to transport Decedent for that psychiatric hold. After several minutes, as
24 ambulance personnel arrived, Decedent was not responsive so CPR was started and continued to the
25 hospital. At the hospital, Decedent was in a comatose state and was put on life support. After several
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1 days, Decedent's health was failing and he was taken off life support per family wishes and he died
2 on December 26th.

3 Defendants vigorously deny using any tactics and/or positioning to restrict the breathing of
4 Decedent. No officer placed any significant weight or weight for any significant amount of time on
5 Decedent's body. Defendants' actions to control Decedent both before he was handcuffed and after
6 he was handcuffed were objectively reasonable and appropriate, under both state and federal law.
7 The involved officers are also entitled to qualified immunity and/or state law immunity for their
8 lawful / reasonable actions.
9

10 An autopsy was performed on Decedent by the County Coroner who determined that
11 Decedent died due to Excited Delirium Syndrome ("EDS"). EDS is [characterized by a sequence of](#)
12 [events](#) including delirium with agitation (fear, panic, shouting, violence, and hyperactivity), sudden
13 cessation of struggle, and respiratory arrest, most often leading to death at the end of that sequence
14 due to fatal cardiac arrhythmias. Sudden death (including a sudden cardiac event) is very common in
15 people exhibiting EDS. EDS can be triggered by the use of central nervous stimulant type drugs
16 (cocaine, methamphetamine and other drugs, including prescription medications) and also people
17 with a history of psychiatric conditions like bi-polar and/or schizophrenia. Decedent had Modafinil
18 in his system (and it was found under his bed) which is one of the medications that can trigger EDS
19 and is a central nervous stimulant, as well as caffeine, which is also a central nervous stimulant. The
20 ultimate cause of death was EDS, due to "Acute Drug Intoxication with Behavior Disturbances" due
21 to "Arrest Related Death (ARD) with Physical Exertion." The Coroner listed that the "prone position
22 with weight on the back may have played an additional role," though Defendants contest that any
23 significant and/or prolonged weight was placed on Decedent's back and/or any positioning by
24 officers could have led to his medical distress and/or death. Decedent did not have any significant
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1 injuries to his head, neck or torso and no fractures. Overall, Defendants contend that they
2 appropriated contacted and interacted with Decedent both to get him in handcuffs and after he was in
3 handcuffs, did not cause him any injuries and/or did not cause his death.

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5 **3. Legal Issues**

6 The complaint currently asserts the following federal claims against Defendants: 1) Section
7 1983- wrongful death; 2) Section 1983- excessive force; 3) Section 1983 – Denial of Medical Care;
8 4) Section 1983- Violations of Plaintiffs’ civil rights to familial relationship; 5) Section 1983 *Monell*.
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10 These claims raise at least the following issues: 1) whether the officer defendants wrongfully
11 caused the death of the Decedent; 2) whether the officers used excessive force on Decedent; and 3)
12 whether the defendants violated Decedent and/or Plaintiffs’ constitutional rights.
13

14 Defendants contend that qualified immunity issues are at play in this case, among other
15 defenses.

16 *Monell* issues were bifurcated for discovery and for trial by Court order.

17 **4. Motions**

18 Plaintiffs do not anticipate any motions at this time.

19 Defendants will be evaluating the filing of a motion for summary judgment at the appropriate
20 time.
21

22 **5. Amendment of Pleadings**

23 The parties do not anticipate a need to amend the pleadings.

24 **6. Evidence Preservation**

25 Both Plaintiff and Defendants are aware of their duty to preserve evidence and have taken
26 steps to preserve all potentially relevant evidence.
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1 **7. Disclosures**

2 The parties have made their initial disclosures.

3 **8. Discovery**

4 The parties have participated in fact discovery and depositions. Currently, plaintiffs are still
5 seeking documents as part of fact discovery. The parties also have a stipulation and proposed order
6 before the Court for an order issuing a letter for the release of international records. The parties do
7 not currently anticipate the need for additional written discovery or depositions beyond that permitted
8 by the Rules, but will approach the Court regarding additional discovery if necessary.
9

10 **9. Class Actions**

11 This is not a class-action matter.

12 **10. Related cases**

13 The parties are unaware of any related cases.

14 **11. Relief**

15 Plaintiffs are seeking general, special, and punitive damages in an unspecified amount.

16 **12. Settlement and ADR**

17 The parties attended a mediation before retired Federal Judge Raul Ramirez on May 24, 2023.
18 The parties did not reach a settlement at that time. The parties may consider a further mediation at
19 some point, but no other session is currently scheduled.
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21 **13. Consent to Judge for All Purposes**

22 Plaintiffs do not consent to magistrate jurisdiction.

23 Defendants would consider consenting to an agreed upon Magistrate Judge.
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14. Other reference

The parties do not believe the case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues

The parties will work to narrow the issues in this case via discovery and pretrial stipulations and meet and confer efforts.

16. Expedited Schedule

The parties do not request an expedited schedule at this time.

17. Scheduling:

The parties are currently adhering to the Court's schedule that was issued on May 4, 2023,

18. Trial:

The parties have demanded a jury trial, expected to last approximately 7-10 days.

19. Disclosure of Non-Party Interested Entities or Persons:

Plaintiff: None.

Defendants: None.

20. Other matters

None at this time.

Dated: May 31, 2023

THE LAW OFFICES OF JOHN L. BURRIS

/s/ *James Cook*

Ben Nisenbaum, Esq.

James Cook, Esq.

Attorneys for Plaintiffs

MARIA QUINTO-COLLINS, and

ISABELLA COLLINS

1 Dated: May 31, 2023

**MCNAMARA, NEY, BEATTY, SLATTERY,
BORGES & AMBACHER LLP**

2
3 /s/ Noah Blechman

4 Noah Blechman, Esq.

5 Attorney for Defendants

6 CITY OF ANTIOCH, et al.
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